

**OVERVIEW OF ATTENDANT COMPENSATION RATE ENHANCEMENT FOR INTERMEDIATE CARE FACILITIES FOR INDIVIDUALS WITH AN INTELLECTUAL DISABILITY OR RELATED CONDITIONS (ICF/IID), HOME AND COMMUNITY-BASED SERVICES (HCS) AND TEXAS HOME LIVING (TxHmL)**

- Implementation. Initially implemented September 1, 2010.
- Optional Participation. Participation in the attendant compensation rate enhancement is voluntary.
- Participation Agreement. Contracted providers may choose to participate in the attendant compensation rate enhancement by submitting to the Texas Health & Human Services Commission (HHSC) a signed Enrollment Contract Amendment choosing to enroll and indicating the level of enhanced add-on rate they desire to receive. Requested add-on rate levels will be granted beginning with the lowest level and granting successive levels until requested enhancements are granted within available funds.
- ICF/IID Residential Services versus Day Habilitation Services. For each component code, providers may choose to participate for residential services only, day habilitation services only or both residential and day habilitation services.
- HCS Day Habilitation versus Non-Day Habilitation. For each component code, providers may choose to participate for non-day habilitation services only, day habilitation services only or both non-day habilitation and day habilitation services. Non-day habilitation services include: HCS Supervised Living/Residential Support Services; HCS Supported Home Living; TxHmL Community Support Services; and HCS and TxHmL Respite, Supported Employment and Employment Assistance Services.
- Component Codes. Participation is determined at the component code level.
- Enrollment. Enrollment in the attendant compensation rate enhancement is held in July, prior to the rate year. Funding for the enhancement add-on rate levels is limited by appropriations.
- Attendant revenue enhancements for participants. Providers participating in the attendant compensation rate enhancement agree to spend approximately 90 percent of their total attendant revenues, including their enhanced add-on rate revenues, on attendant compensation. Attendant compensation includes salaries, payroll taxes, benefits, and mileage reimbursement. Participating providers must submit reports to HHSC documenting their spending on attendant compensation.
- Attendant Compensation Spending Accountability. Determination of each provider's compliance with the attendant compensation spending requirement will be made on an annual

basis from the cost reports submitted to HHSC. Participants failing to meet their spending requirement for the reporting period will be subject to recoupment. At no time will a participating provider's attendant care rate after their spending recoupment be less than the rate paid to providers not participating in receiving the enhanced add-on rates.

- Grouping. Participating component codes with a program controlled by a single entity can be aggregated to comply with the spending requirement. HCS/TxHmL component codes can be grouped and ICF/IID component codes can be grouped, but HCS/TxHmL and ICF/IID cannot be grouped together.
- Conditions of Participation for Day Habilitation. The following conditions of participation apply to each ICF/IID, HCS and TxHmL provider specifying its wish to have day habilitation services participate in the Attendant Compensation Rate Enhancement.
  - A provider who provides day habilitation in-house or who contracts with a related party to provide day habilitation will report job trainer and job coach compensation and hours on the required cost report items (e.g., hours, salaries and wages, payroll taxes, employee benefits/insurance/workers' compensation, contract labor costs, and personal vehicle mileage reimbursement). Day habilitation costs cannot be combined and reported in one cost report item.
  - A provider who contracts with a non-related party to provide day habilitation will report its payments to the contractor in a single cost report item as directed in the instructions for the cost report or Attendant Compensation Report as described in subsection (h)(2) and (3) of this section. HHSC will allocate 50 percent of reported payments to the attendant compensation cost area for inclusion with other allowable day habilitation attendant costs in order to determine the total attendant compensation spending for day habilitation services as described in subsection (s) of this section.
  - The provider must ensure access to any and all records necessary to verify information submitted to HHSC on Attendant Compensation Reports and cost reports functioning as an Attendant Compensation Report.
  - Failure to comply with the reporting and access requirements detailed above will result in recoupment of all attendant compensation rate enhancement funds associated with the day habilitation service for the provider for the reporting period in question.